

## REMARKS

Applicant appreciates the examiner's thorough examination of the application and consideration of the prior art. Reexamination and reconsideration are respectfully requested in view of the preceding amendment and the following remarks.

The examiner has objected to certain unclear, awkwardly worded and/or grammatically incorrect language in the specification. Applicant has corrected these informalities in the foregoing amendment. Please note that elements 28 and 28a have now been consistently referred to as "frame components" throughout the specification.

The examiner has objected to the drawings. Elements 19a, 21a, 60a and 64a were in fact originally depicted in FIGS. 10 and 9 respectively. Nonetheless, applicant has added elements 19a and 21a to FIG. 11 and has also added elements 60a and 64a to FIGS. 8 and 12, as indicated in the replacement drawings submitted herewith. Those replacement drawings also delete the reference numeral 10 that incorrectly appeared in FIG. 8. The suffix "a" has been included in reference numeral 101a in FIG. 9.

The examiner has objected to the drawings and has also rejected claim 9 on the grounds that a pivotal connection is not shown between the stem and the bar. In fact, the pivotal connection to which applicant is referring is the connection between handle 92a (which is the stem) and frame component 30a. This pivotal connection is provided by pivot bracket 93a, as illustrated in FIG. 12. The structure is described in detail on page 13 of the specification. In any event, applicant has canceled claim 9 such that the drawing objection and claim rejection are rendered moot.

The examiner has objected to claim 8 due to a typographical error. Claim 8 has been canceled by the foregoing amendment.

Applicant's invention relates to an upright, manually operated golf cart wherein improved maneuverability and stability are accomplished by attaching a handle to extend from an upper portion of the carriage frame. By supporting the golf bag in a vertically upright manner and employing non-motorized front wheels and a handle attached above the mid-point of the frame, applicant achieves a manually operated golf cart with much better stability and maneuverability than is provided by the prior art.

Claims 1 – 3, 5 – 8, 10 and 12 have been rejected under 35 U.S.C. §103 as being unpatentable over Maltarp in view of Fricke et al. The Maltarp reference discloses a golf cart that utilizes a pair of motorized wheels. A handle attaches to a chassis of the cart below the lower end of the club supporting frame. The clubs are supported at a somewhat tilted orientation relative to the plane of the underlying surface. Fricke discloses a garden and snow accommodating cart. A swivel wheel is supported laterally between and rearwardly of a pair of forward wheels. The apparatus is not intended for supporting golf clubs or analogous items.

In contrast to the cited patents, applicant sets forth in new claim 14, a cart for supporting a golf bag and clubs therein in a vertically upright condition upon an underlying surface. The cart includes a carriage for accommodating the golf bag and a pair of axially aligned, non-motorized forward wheels which are axially rotatably connected to the carriage. There is also at least one rearward wheel that is swivelably and rotatably mounted to the carriage. Each wheel is rotatably engageable with the underlying surface. Applicant's carriage includes a base for engaging the bottom of the golf bag and a support frame extending upwardly from the base and carrying at least one upper holder above the base for engaging a bag placed on the base such that the

bag is held in a vertically upright condition. There is a handle attached to and extending rearwardly from an upper portion of the frame, which upper portion is located above a mid-point of the frame. Applying a generally horizontal manual pushing or pulling force to the handle causes the cart to move over the underlying surface on the wheels while the bag and clubs are maintained in a vertically upright condition. Applicant's new claim 15 further provides that the carriage holds the bag substantially perpendicular (i.e. 90°) to the underlying surface. New claim 22 situates the handle at the upper end of the frame.

Maltarp lacks applicant's non-motorized forward wheels. It is quite clear that the reference requires the use of treaded forward wheels that are driven by a motor located within the chassis. Unlike applicant's claimed cart, the Maltarp apparatus is not intended to be manually pushed and pulled along an underlying surface. By the same token, Maltarp lacks a handle attached to an upper portion or upper end of the frame. Instead, the handle of the Maltarp cart is attached to the chassis entirely below the frame. See FIG. 2 of the reference. Because of its use of motorized wheels and a handle connected below the carriage frame, the Maltarp cart operates very differently from applicant's manually operated cart. In addition, Maltarp employs a tilted carriage that does not support the bag substantially perpendicular as set forth in applicant's new claim 15.

Fricke does not disclose anything whatsoever about supporting golf bags, golf clubs or other elongate items. It certainly does not support elongate items in a vertically upright manner. Instead, Fricke depicts a garden or snow removal tool. Fricke also lacks applicant's carriage and the specific type of handle claimed by applicant.

Not only do both cited references lack critical features of applicant's amended claims, they do not suggest the desirability of applicant's combination.

...The lesson of this case appears to be that prior art references...do not make an invention obvious unless something in the prior art references would suggest the advantage to be derived from combining their teachings.

In re Sernaker, 217 USPQ 1, 6 (CAFC 1983). See also In re Gordon, 221 USPQ 1125 (Fed Cir. 1984).

Maltarp discloses a cart that supports clubs in a somewhat upright condition. However, that cart appears to require the use of motorized wheels and therefore is motor driven. Its handle is orientated such that very awkward forces and leverage would be exerted on the cart, even if it could be manually pushed. On the other hand, Fricke discloses nothing whatsoever about transporting golf clubs or the unique problems that are typically encountered by conventional golf carts. Certainly, without the benefit of applicant's disclosure, there would be no reason whatsoever for combining the Maltarp and Fricke references, which come from totally different fields and are unrelated to one another. And even if they could be combined, they would still lack applicant's handle attached to an upper portion of the frame.

Unlike the cited references, applicant is concerned with improved, convenient maneuverability of a manually operated (push/pull) golf cart. Applicant's product supports the bag and clubs in an upright, preferably perpendicular condition so that it is much easier for the golfer to identify, differentiate and retrieve clubs as needed. See page 11 of the specification. In addition, applicant's unique construction, including the upright orientation of the bag, a handle mounted above the mid-point, and preferably at the top end, of the frame, as well as applicant's non-motorized forward wheels and

swivelably attached rearward wheel provide for improved stability and maneuverability. In the Background of the Invention, applicant explains that standard manually operated golf carts are notoriously unstable. This is due to the weight of the club heads and tilt of the bag. Applicant specifically states in the Summary of the Invention that it is an object of the invention to "provide an upright golf cart that is extremely stable on virtually all golf course terrains and which resists tipping over". Applicant further states that it is an object to provide a golf cart that is "extremely convenient to maneuver by either pushing or pulling over a course". Absent applicant's placement of the handle in a manner shown by neither Maltarp or Fricke (i.e. above the mid-point of the frame and preferably proximate the upper end of the frame) the level of improved stability and maneuverability achieved by applicant's cart would not be possible.

The maneuverability and ease of collapsibility, transport and storage of applicant's cart are enhanced even more by applicant's unique use of a handle that is pivotably attached to the frame and set forth the new claim 23. Maltarp certainly does not disclose any type of pivotable connection between the handle and the frame. Indeed, the Maltarp handle appears to be rigidly secured to the chassis below the frame. That handle cannot be folded as can applicant's handle. By the same token, Fricke does not disclose a pivoting handle and, indeed, does not include any type of frame or other golf bag carrying structure. No prior manual golf cart supports the golf bag substantially perpendicular to the underlying surface. As a result, the prior art does not provide the advantageous club storage, separation and retrieval accomplished by applicant's device. Certainly, therefore, the cited references do not teach or suggest the structure and benefits of applicant's new claims 23 and 24.

The examiner has objected to claim 11 but indicated that it would be allowable if re-written in independent form. Currently amended claim 1 contains each of the limitations of original claims 10 and 11. Favorable consideration of this amended claim and the remaining claims dependent thereon is therefore respectfully requested.

The examiner has rejected claim 13 under 35 U.S.C. §103 as being unpatentable over Maltarp in view of Fricke and further in view of Liao. Claim 13 now includes each of the features of amended claim 1, which as discussed above is allowable. Allowance of claim 13 is therefore respectfully requested as well. In any event, Liao does not disclose or suggest various features of applicant's claimed cart, most notably, a carriage that supports a golf bag vertically or a swiveling rear wheel. Indeed, Liao is a standard, manually operated golf cart that tilts the golf bag and exhibits many of the problems that applicant's apparatus overcomes.

Each of the examiner's objections and rejections has been addressed and traversed. Accordingly, it is respectfully submitted that the application is in condition for allowance. Early and favorable action is respectfully requested.

Applicant is submitting herewith the request for extension of time in the first month and the extension fee (\$55).

If a telephone conference would help to advance the prosecution of this application, the examiner is invited to telephone the undersigned at (239) 481-0900.

Respectfully submitted,



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#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 9<sup>th</sup> day of August, 2004.



William E. Noonan